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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,381	09/05/2003	Ronald P. Knockeart	2003P11514US/ 09650-00500	8526
24500	7590	09/23/2004	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			ISSING, GREGORY C	
		ART UNIT	PAPER NUMBER	
		3662		

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/656,381	KNOCKEART ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gregory C. Issing	3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 June 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22 and 24-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 22 and 24-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

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1. Claims 22 and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how an off-route condition or deviation from a planned route is detected from two independent, estimated positions. The comparison of the two estimated positions would appear merely to indicate that the two estimates do not coincide and that one may be selected as the new estimate of position or the two can be combined to estimate the new position. If  $(X_{GPS}, Y_{GPS})$  represents the first estimated position,  $(X_0, Y_0)$  represents the first point along a route,  $d$  represents a distance traveled, and  $[(X_0, Y_0) + d]$  represents the second estimated position, how does the function  $(X_{GPS}, Y_{GPS}) - [(X_0, Y_0) + d]$  indicate a deviation from the planned route or off-route condition? Does the comparison merely indicate that the first position estimate deviates from the second position estimate wherein the second estimate, due to its association with the planned route, meet the terminology of deviating from the planned route/off-route condition?

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22 and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Seymour.

4. Seymour discloses a first position sensory system in the form of GPS (305) for providing a first trend of position vectors, a second position sensory system in the form of a dead-reckoning system (307 and 309), and a computer (301) for comparing the first trend of position vectors and the second trend of position vectors to a trend of position vectors based on a map reference (303).

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The dead-reckoning system includes measuring a distance and direction with respect to a first point along a route, i.e. the presumed starting point. Thus, Seymour discloses the claimed (1) tracking a first estimated position using signals from a global positioning system that are received at a vehicle, (2) tracking a second estimated position using an estimate of distance, and additionally direction, from a first point along the route, and (3) detecting a deviation using a predetermined criteria by comparing the first position and the second position with a reference position vector initially determined from at least one of the first position vector, second position vector or map database position vector. Thus, the comparison of the first position vector and the reference position vector determined from the second position vector meet the scope of the comparison and the result detects a deviation therebetween. In view of the fact that it is taught that the position uncertainty of the second position sensory system, i.e. dead-reckoning, increase during operation, and the statistical or heuristic method may be applied to define the trends, the adjustment of the tolerance is deemed to be anticipated.

The amendment to the claims merely clarifies the second position sensing system which is met by a dead-reckoning system. Seymour is deemed to disclose tracking first and second estimates of position and comparing the results to make a determination of on/off route conditions.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Snider discloses a route guidance on/off detector wherein a plurality of position solution possibilities are detected, filtered, and compared with a set of positions on the route to detect on/off route condition.

Klein discloses a system and method for monitoring route and schedule adherence by comparing GPS position and time to stored map values defining the route and schedule.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarca can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing  
Primary Examiner  
Art Unit 3662

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